



K A N S A S

D. KENT HURN, CHAIRPERSON

DEPARTMENT OF ADMINISTRATION
CIVIL SERVICE BOARD

KATHLEEN SEBELIUS, GOVERNOR
DUANE A. GOOSSEN, SECRETARY
CAROL L. FOREMAN, DEPUTY SECRETARY

To: Jack Rickerson, Director, Division of Personnel Services
Mark S. Braun, Director, Office of Administrative Hearings
D. Kent Hurn, Chairman, Civil Service Board

From: Peggy Graham, Secretary, Civil Service Board

Date: October 15, 2004

Re: Quarterly Update

The following reflects the Civil Service Board cases in which action was taken since the July 15, 2004 quarterly report:

A. Cases Decided and/or Disposed Of:

1. Name Removed, 5-day suspension *dismissed*
Atchison Juvenile Correctional Facility
Juvenile Correctional Officer II. Appellant left her set of keys, including a master key, unattended in an area accessible to juvenile offenders. A juvenile offender found the set of keys and turned them into another juvenile correctional officer. Appellant failed to attend the scheduled hearing and a default order was issued against her.
2. Name Removed, 2-day suspension *withdrawn*
Department of Transportation
Equipment Operator Senior. Appellant was instructed by his supervisor to install some road signs. Appellant disagreed and in a loud and confrontational voice told his supervisor that he wanted to work on a different project. The supervisor calmly explained why they could not work on the other project at that time. Rather than accept his supervisor's decision, the appellant continued to follow his supervisor around the job site and continued to be loud and argumentative in repeating his demand to work on another project. Appellant withdrew his request for a hearing prior to the scheduled hearing in the matter.

3. **Name Removed**, dismissal *affirmed*
Department of Social and Rehabilitation Services
Human Services Assistant. Appellant received three unsatisfactory performance evaluations within 180 days due to her inability to perform her job duties without many significant errors and her repeated problems with tardiness and attendance. After hearing all of the evidence the Board affirmed the decision of the appointing authority.
4. **Name Removed**, dismissal *affirmed*
Rainbow Mental Health Facility
Mental Health Aide. As the appellant was preparing to leave at the end of her shift, a patient became upset that she could not find a hairbrush. Appellant attempted to locate a hairbrush for the patient but was unsuccessful. The patient became more and more upset and finally had to be physically restrained. In the course of the struggle, the patient grabbed the appellant's gold necklace and broke it. Appellant became angry that her necklace had been broken and punched the patient in the nose, causing her nose to bleed, swell and bruise. After hearing all of the evidence, the Board affirmed the decision of the appointing authority.
5. **Name Removed**, dismissal *withdrawn*
Department of Revenue
Customer Representative Senior. Appellant engaged in sexually harassing behavior in the workplace. The matter was settled by the parties and the appellant withdrew his request for a hearing.
6. **Name Removed**, demotion *withdrawn*
Racing and Gaming Commission
Enforcement Agent to Special Investigator II. Appellant inappropriately used his state computer to conduct personal business on many occasions. He was counseled about his behavior but continued to conduct personal business on his state computer. The request for hearing was withdrawn prior to the scheduled hearing.
7. **Name Removed**, dismissal *withdrawn*
Department of Social and Rehabilitation Services
Office Assistant. Appellant was dismissed due to poor work performance. She received two unsatisfactory performance evaluations within 180 days. Appellant withdrew her request for a hearing prior to the scheduled hearing date.
8. **Name Removed**, layoff *dismissed*
Department of Labor
Application Programmer/Analyst II. Appellant was laid off from his position pursuant to a layoff plan that was in compliance with procedures established by the Department of Administration and approved by the Director of Personnel Services. The Board does not have jurisdiction to hear appeals regarding properly approved layoff plans and therefore the request for hearing was dismissed for lack of jurisdiction.
9. **Name Removed**, 4-day suspension *affirmed*
Kansas Department of Corrections
Parole Officer I. Appellant was standing in the mail area of the office while a custodian was cleaning the area. Appellant was talking with this supervisor when the custodian joined the conversation. The three were joking around about the appellant's new truck when the custodian patted the appellant on his back. Appellant told the custodian not to touch him anymore. The custodian believed they were still joking and asked why he couldn't touch

him. Appellant replied that if the custodian touched him again, he would find out. The custodian again patted the appellant on the back and the appellant punched the custodian in the jaw. After hearing all of the evidence, the Board affirmed the decision of the appointing authority.

10. **Name Removed**, dismissal *withdrawn*
Rainbow Mental Health Facility
Mental Health Aide. Appellant was dismissed for allegedly physically abusing a patient in her care. She withdrew her request for a hearing prior to the scheduled hearing date.
11. **Name Removed**, dismissal *modified*
Kansas Department of Revenue
Revenue Customer Representative Specialist. Appellant transported a firearm in a state vehicle on at least three occasions in order to provide protection for himself while in his hotel room after he received large sums of money as part of warrant executions that he performed for the agency. After hearing all of the evidence, the Board modified the agency's decision from dismissal to a 4 month suspension without pay and a demotion to a Revenue Customer Representative Senior position. It should be noted that this matter did not involve workplace violence and no evidence was presented to establish that the appellant ever used his firearm to threaten, intimidate or attempt to injure a coworker or citizen of Kansas.
12. **Name Removed**, 1-day suspension *modified*
University of Kansas
Administrative Assistant. Appellant made his co-worker's working environment extremely hostile with his behavior, attitude, disruptions and constant anger control problems. Appellant refused to take direction from his supervisor and continued to engage in disruptive behaviors even after being verbally counseled, receiving a written counseling, and repeated requests to discontinue his behavior. After hearing all of the evidence, the Board found the appellant's behavior to be so egregious that they modified the 1-day suspension to a 10-day suspension.
13. **Name Removed**, dismissal *withdrawn*
Kansas Veterans' Home
Registered Nurse Senior. Appellant allegedly abused a patient in her care. The matter was settled and the appellant withdrew her appeal prior to the scheduled hearing.
14. **Name Removed**, dismissal *withdrawn*
Kansas Department of Labor
Public Service Executive III. Appellant was dismissed after it was discovered that he had been sending obscene and offensive emails to his coworkers. Appellant withdrew his request for a hearing prior to the scheduled hearing in this matter.

B. Cases Filed Between July 15, 2004 and October 15, 2004:

1. Name Removed, University of Kansas, filed July 16, 2004
2. Name Removed, Department of Labor, filed July 28, 2004
3. Name Removed, Department of Revenue, filed August 2, 2004
4. Name Removed, Department of Health and Environment, filed August 6, 2004
5. Name Removed, Department of Social and Rehabilitation Services, filed August 9, 2004
6. Name Removed, Atchison Juvenile Correctional Facility, filed August 11, 2004

7. Name Removed, Kansas State University, filed August 18, 2004
8. Name Removed, Atchison Juvenile Correctional Facility, filed August 24, 2004
9. Name Removed, Atchison Juvenile Correctional Facility, filed August 24, 2004
10. Name Removed, Norton Correctional Facility, filed August 27, 2004
11. Name Removed, Department of Social and Rehabilitation Services, filed September 2, 2004
12. Name Removed, Racing and Gaming Commission, filed September 8, 2004
13. Name Removed, Atchison Juvenile Correctional Facility, filed September 15, 2004
14. Name Removed, Highway Patrol, filed September 27, 2004
15. Name Removed, Highway Patrol, filed October 4, 2004

C. Cases Still To Be Heard:

1. Name Removed, dismissal, Atchison Juvenile Correctional Facility, set 11/16/04
2. Name Removed, 5-day suspension, Atchison Juvenile Correctional Facility, set 12/7/04
3. Name Removed, Hutchinson Correctional Facility, set 12/9/04
4. Name Removed, dismissal, Department of Health and Environment, set 11/16/04
5. Name Removed, dismissal, Kansas State University, set 11/2/04
6. Name Removed, dismissal, University of Kansas, 10/21/04
7. Name Removed, 7-day suspension, Highway Patrol, set 12/20/04
8. Name Removed, dismissal, Department of Revenue, set 11/3/04
9. Name Removed, 5-day suspension, Parsons State Hospital, set 1/6/05
10. Name Removed, 5-day suspension, Atchison Juvenile Correctional Facility, set 12/7/04
11. Name Removed, 12-day suspension, Highway Patrol, set 11/15/04
12. Name Removed, dismissal, Social and Rehabilitation Services, set 10/20/04

D. Statistics for Completed Cases:

- | | | |
|----|-------------------------------------|---|
| 1. | Dismissals: | 8 |
| 2. | Demotions: | 1 |
| 3. | Suspensions: | 4 |
| 4. | Other: | 1 |
| | | |
| 1. | Affirmed: | 3 |
| 2. | Reversed: | 0 |
| 3. | Modified: | 2 |
| 4. | Dismissed: | 2 |
| 5. | Withdrawn: | 7 |
| | | |
| 1. | Social and Rehabilitation Services: | 4 |
| 2. | Department of Labor: | 2 |
| 3. | Revenue: | 2 |
| 4. | Department of Corrections: | 1 |
| 5. | Department of Transportation: | 1 |
| 6. | Juvenile Justice Authority: | 1 |
| 7. | University of Kansas: | 1 |
| 8. | Racing and Gaming Commission: | 1 |
| 9. | Kansas Veterans' Home: | 1 |